

ORIGINAL

*(Signature)*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRET T. CULVER,

Plaintiff

v.

COMMONWEALTH OF  
PENNSYLVANIA, et al.,

Defendants

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No. 1:01-CV-0904  
(Judge Kane)

*Filed*  
*Rec'd*  
~~FILED~~  
HARRISBURG, PA  
APR 25 2002

MARY E. D'ANDREA, CLERK  
Per *(Signature)*

DEFENDANTS' PENNSYLVANIA DEPARTMENT OF  
CORRECTIONS AND MOTION TO DISMISS  
THE COMPLAINT NUNC PRO TUNC

Defendants, **Pennsylvania Department of Corrections** by their attorneys,  
hereby request the Court, pursuant to Fed.R.Civ.P. 12(b)(6) to dismiss Complaint for  
failure to state a claim upon which relief can be granted.

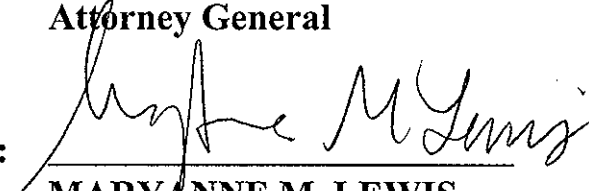
A brief in support of this motion is filed simultaneously with this motion.

**WHEREFORE**, the Complaint against the Department of Corrections should be dismissed.

**Respectfully submitted,**

**D. MICHAEL FISHER**  
**Attorney General**

**By:**

  
**MARYANNE M. LEWIS**  
**Deputy Attorney General**  
**Attorney ID# 83812**

**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**

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**Harrisburg, PA 17120**  
**(717) 787-9719**  
**(717) 772-4526 FAX**  
**mlewis@attorneygeneral.gov**

**DATE: April 25, 2002**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BRET T. CULVER,**

**Plaintiff**

**v.**

**COMMONWEALTH OF  
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**Defendants**

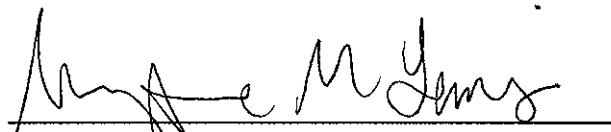
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**No. 1:01-CV-0904  
(Judge Kane)**

**CERTIFICATE OF SERVICE**

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Defendants' Pennsylvania Department of Corrections Motion to Dismiss the Complaint, Nunc Pro Tunc, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Brett T. Culver, #DD 3483  
SCI-Mahanoy  
301 Morea Rd.  
Frackville, PA 17932



**MARYANNE M. LEWIS  
DEPUTY ATTORNEY GENERAL**

**DATE: April 25, 2002**